

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVIER BAUTISA,

Plaintiff,

-against-

TAP AIR PORTUGAL,

Defendant.

Case No. 1:24-cv-00503 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

As recounted in the Court’s prior order, ECF No. 16 (the “March 19 Order”), Plaintiff has not prosecuted this case since Defendant’s removal of the case from New York state court on January 24, 2024. Plaintiff also did not attend the scheduled initial pretrial conference on March 19, 2024, and (according to Defendant) Plaintiff has refused to confer with Defendant, despite the Court’s order to do so. *See id.* at 1-2.

In the March 19 Order, the Court stated that it would “reschedule the initial pretrial conference in this case for April 9, 2024.” *Id.* at 2 (emphasis omitted). The Court noted, however, that “by failing to appear at a Court-ordered conference to which Plaintiff was aware, Plaintiff has wasted the time and expense of Defendant and flouted this Court’s order.” *Id.* The Court thus ordered that “Plaintiff must inform the Court by April 2, 2024, if he intends to continue prosecuting this case and confirm that he will attend the conference on April 9.” *Id.* (emphasis omitted). The Court warned that “[i]f Plaintiff does not confirm his continued prosecution of this matter by April 9, then the Court will adjourn the April 9 conference, and it may also dismiss Plaintiff’s action without prejudice for failure to prosecute.” *Id.* (emphasis omitted).

The Court directed the Clerk of Court to mail a copy of the March 19 Order to Plaintiff, *see id.*, and the docket reflects that the Clerk of Court did so. The Court also


directed Defendant to mail and email a copy of the March 19 Order to Plaintiff. *See id.* Defendant filed an affidavit of service on March 19, 2024, indicating that it had complied with the Court's order. ECF No. 17. Despite these efforts, to date, the Court has received no communications from Plaintiff.

IT IS THEREFORE ORDERED that the conference scheduled for April 9, 2024, is adjourned without date. Plaintiff shall inform the Court **as soon as possible**, but no later than **August 5, 2024**, whether he intends to prosecute this case and comply with the Court's orders. If Plaintiff fails to do so, the Court will dismiss this case for failure to prosecute (including, potentially, with prejudice). *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); Fed. R. Civ. P. 41(b).

The Clerk is respectfully directed to mail a copy of this Order to Plaintiff. Defendant is directed to email and mail this Order to Plaintiff immediately. Defendant shall promptly file proof of service of this Order.

Dated: April 3, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge